

UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE COMMISSIONER OF PATENTS AND TRADEMARKS

MAILED

JUN 22 2011

U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

In re Jay A. Goldstein et al. )  
 )  
Application No. 10/691,928 )  
 )  
Filed: October 23, 2003 )  
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Appeal No. 2010-006562

ORDER GRANTING REQUEST TO RESCHEDULE ORAL HEARING

An oral hearing before a merits panel of the Board of Patent Appeals and Interferences had been set for Thursday, July 21, 2011. The notice setting the hearing was mailed to Applicants on May 31, 2011. The date Applicants received the notice is not apparent from the record. On June 8, 2011, a facsimile letter styled "Request to Reschedule Oral Hearing" was filed, Applicants requested that the oral hearing be rescheduled. The request has been granted.

According to counsel:

Dr. Jay A. Goldstein, an inventor on the above-identified application, is unable to attend the hearing on this date as he is out of the country. Dr. Goldstein's participation in the hearing is critical as Appellants have relied on an expert declaration by Dr. Goldstein involving clinical studies to argue the patentability of the claimed subject matter.

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For the reasons given above, it is:

Ordered that the request to reschedule the oral hearing is granted. No further request for postponement will be permitted. Any further request for postponement will be treated as a waiver of the Request for Oral Hearing.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

  
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